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PATENT

Attorney Docket No. A-68798-1/RFT/DHR

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* application of:

BALTIMORE, et al.

Serial No.09/900,509

Filed: July 5, 2001

For: TRANSCRIPTION FACTOR  
REGULATORS AND METHODS  
FOR SCREENING FOR SAME

Examiner: Unknown

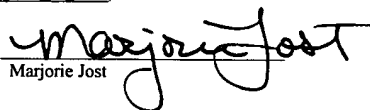
Group Art Unit: 1646

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner of Patents and Trademarks, BOX SEQUENCE, P.O. BOX 2327, Arlington, VA 22202 on

7-11-02

Signed:

  
Marjorie Jost

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR  
PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE  
AND/OR AMINO ACID SEQUENCE DISCLOSURES  
AND STATEMENT RE SUBSTITUTE SEQUENCE LISTING**

Assistant Commissioner for Patents  
U.S. Patent and Trademark Office  
BOX SEQUENCE, P.O. Box 2327  
Arlington, VA 22202

Sir:

This Statement is in response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence And/or Amino Acid Sequence Disclosures mailed May 14, 2002, and the attached CRF Problem Report. A copy of the notice and attached report is enclosed. This response is being mailed within two months from the date of the notice, making it a timely response. Applicant believes no fee to be due. If this belief is in error, however, the Commissioner is authorized to charge any additional fees including extension fees or other relief which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-68798-1/RMS/DHR).

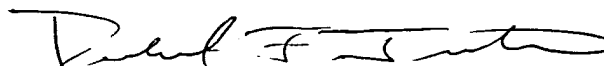
This statement is made in adherence with 37 C.F.R. § 1.821-1.825. This statement is accompanied by a floppy disk containing the above named sequence, SEQUENCE ID NUMBERS 1-3 in computer readable form. The computer readable sequence listing was prepared through use of the software program "PatentIn" provided by the PTO. The information contained in the enclosed computer readable disk is identical to that of the paper copy that was mailed by Applicant in reply to the Notice to File Missing Parts of Nonprovisional Application on December 19, 2001 and contains no new matter. Applicant submits that this statement, the accompanying computer readable sequence listing, the previously filed Preliminary Amendment and the previously filed paper copy of the sequence listing serve to place this application in a condition of adherence to the rules 37 C.F.R. § 1.821-1.825.

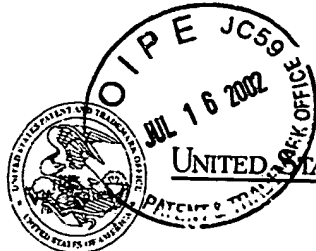
Please direct any calls in connection with this application to the undersigned at (415) 781-1989.

Respectfully submitted,

DORSEY & WHITNEY LLP

Dated: 7/10/02  
Four Embarcadero Center  
Suite 3400  
San Francisco, CA 94111-4187  
Telephone: (415) 781-1989

  
Richard F. Trecartin, Reg. No. 31,801  
filed under 37 C.F.R. § 1.34(a)



## UNITED STATES PATENT AND TRADEMARK OFFICE

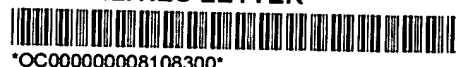
COMMISSIONER FOR PATENTS  
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WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/900,509	07/05/2001	David Baltimore	A-68798-1/RFT/DHR

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
Suite 3400  
Four Embarcadero Center  
San Francisco, CA 94111-4187

CONFIRMATION NO. 4157

## FORMALITIES LETTER



\*OC000000008108300\*

Date Mailed: 05/14/2002

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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BIOTECHNOLOGY  
SYSTEMS  
BRANCH



## CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/900,509  
Filing Date: 7/5/2001  
Date Processed by STIC: 1/28/2002

STIC Contact: Mark Spencer, 703-308-4212

### Nature of Problem:

The CRF (was):

- ☒ (circle one) Damaged or Unreadable (for Unreadable, see attached)  
☐ Blank (no files on CRF) (see attached)  
☐ Empty file (filename present, but no bytes in file) (see attached)  
☐ Virus-infected. Virus name: \_\_\_\_\_ The STIC will not process the CRF.  
☐ Not saved in ASCII text  
☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.  
☐ Did not contain a Sequence Listing. (see attached sample)  
☐ Other: \_\_\_\_\_

PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.  
SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker>

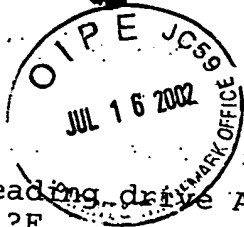
Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:  
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7<sup>th</sup> Floor, Examiner Name,  
Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202  
Or  
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two,  
2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service , or other delivery service to: U.S. Patent and Trademark Office,  
Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002



09/900,509

General failure reading drive A  
Abort, Retry, Fail?F

General failure reading drive A  
Abort, Retry, Fail?F  
Current drive is no longer valid>

↳ onscreen message when STIC PC  
tried to read submitted disk